

after the claimant's legal title has been perfected; and that the pretensions of the caveator cannot be prejudiced, to permit the

his special warrants, and there is a sufficient quantity of land surveyed and unpatented to satisfy both their claims.

Therefore, we are of opinion, that as Mr. Bladen has only as yet obtained patents for 1,696 acres, that patents do issue to him for 2,316 acres more, he paying the arrearages of rent, which compleats his quantity of 4,012 acres, that being the whole for which he has paid caution.

We are also of opinion, that patents do issue to Doctor David Ross, of Prince George's County, upon the certificates which have been or shall be returned into his lordship's land office by virtue of the special warrants obtained by him on the 16th day of January, 1761, amounting, in the whole, to 2,254 acres, he having paid caution for that quantity, unless Mr. Bladen, or his attorney shall produce an instruction from his late lordship to support so unusual a proceeding: All which is humbly submitted to your Excellency's superior judgment by your Excellency's humble servants.—B. Calvert, G. Stewart, 11th November, 1762.

SHARPE, C., 13th December, 1765.—From the foregoing statement, the proceedings on the part of Governor Bladen seems to be very much out of the common course; which, I conceive, no less than the express authority of, and a direction from the late Lord Proprietary could dispense with, either in Mr. Bladen or any other person's case; and had there been such particular authority from his lordship; either to the then Judges of the land office, his lordship's agents, or to the Governor himself, it ought doubtless to have been entered at large, or at least noticed by some entry on record, to the end, that it might always have appeared, that his lordship, who alone could do it, had dispensed with the usual course of proceeding in the case of Mr. Bladen; and that the Judges had sufficient warrant for their justification in proceeding after such a manner. But there being, by your account, no such special authority from his lordship to be found in the land office, which is the proper repository for every thing relating to his lordship's grants of lands, nor even the least hint appearing among the records that any such order from his lordship in favor of Mr. Bladen ever existed, you could not, I apprehend, presume, there was any such order.

The affair hitherto being thus circumstanced, and the several surveys for Mr. Bladen having been made on such irregular and unusual warrants, I should have thought, that even if no person had applied for warrants to affect the lands, you would have acted justifiably, had you declined issuing any patents at all on certificates returned in pursuance of such irregular warrants till you could have laid the whole affair before his lordship, and have received his instruction thereupon. But since Doctor Ross has applied for and obtained warrants to affect several of the tracts which, according to your statement, had been surveyed for Mr. Bladen, the principal thing, now to be considered, seems to be whether Doctor Ross has been regular in his applications: and, whatever may be done with regard to the rest of the lands, whether he has a right to patents for the 2,254 acres for which he obtained warrants.

And with regard to the regularity of Doctor Ross' application to the office on the present occasion; such special warrants as he obtained, seem to me to have been the proper warrants; for, as the lands in question had been surveyed by virtue of Mr. Bladen's warrants directed by the office to the surveyor of the county, and a minute made in the office of the certificates